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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA, ) No. CR-08-00237-MHP  
14 Plaintiff, )  
15 Vs. ) STIPULATION AND [PROPOSED]  
16 DAVID NOSAL, ) ORDER CONTINUING  
17 Defendant. ) STATUS HEARING  
18 )  
19 ) Honorable Marilyn Hall Patel  
20 )  
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17 Defendant David Nosal, by and through his attorney Steven F. Gruel, and the United States  
18 of America, by and through its attorney, Kyle Waldinger, Assistant United States Attorney,  
19 hereby stipulate and respectfully request that the hearing date currently scheduled for April 27,  
20 2009 at 10:00 a.m. should be continued to May 18, 2009 at 10:00 a.m.

21 The continuance is requested by the defense because defense counsel is currently  
22 participating in a trial in the Santa Clara Superior Court in San Jose. This trial, before the  
23 Honorable John Herlihy is scheduled to continue to mid-May 2009. There is no objection by the  
24 government in moving this date.

25 STIPULATION AND [PROPOSED] ORDER CONTINUING STATUS HEARING

1 The parties stipulate that additional time is necessary for continuity and effective preparation  
2 of counsel, taking into account the exercise of due diligence, and the granting of such  
3 continuance outweighs the best interests of the public and the defendant in a speedy trial  
4 pursuant to the Speedy Trial Act, 18 USC 3161(h)(7)(A) and B(iv). Accordingly, the parties  
5 stipulate that the time from April 27, 2009 through May 18, 2009 is excludable under the  
6 Speedy Trial Act, 18 USC 3161(h)(7)(A) and B(iv).

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8 SO STIPULATED:

9 DATED: 04/24/09

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10 STEVEN F. GRUEL,  
Attorney for David Nosal

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12 DATED: 04/24/09

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13 KYLE WALDINGER  
14 Assistant United States Attorney

15 [PROPOSED] ORDER

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17 PREDICATED on the above stipulation and GOOD CAUSE APPEARING, the  
18 hearing date of April 27, 2009 at 10:00 a.m. is hereby continued to May 18, 2009 at 10:00 a.m.

19 FURTHER, the time under the Speedy Trial Act from April 27, 2009 through May 18,  
20 2009 is hereby ordered excluded on the grounds set forth in the above stipulation. The parties  
21 stipulate, and the Court so finds, that additional time is necessary for continuity and effective  
22 preparation of counsel, taking into account the exercise of due diligence, and that the ends of  
23 justice served by the granting of such continuance outweigh the best interests of the public and  
24 the defendant in a speedy trial pursuant to the Speedy Trial Act, 18 USC 3161(h)(7)(A) and  
25 B(iv). Accordingly, the parties stipulate, and the Court so orders, that the time from April 27,  
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STIPULATION AND [PROPOSED] ORDER CONTINUING STATUS HEARING

1 2009 through May 18, 2009 is excludable under the Speedy Trial Act, 18 USC 3161(h)(7)(A)  
2 and B(iv).

3 IT IS SO ORDERED.  
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5 DATED:  
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HONORABLE  
United States



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28 STIPULATION AND [PROPOSED] ORDER CONTINUING STATUS HEARING  
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